

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DAVID O. BACA,

Plaintiff,

vs.

STATE OF CALIFORNIA, DEPARTMENT  
OF CALIFORNIA HIGHWAY PATROL,  
SERGEANT GRIMES, SERGEANT TRUE,  
OFFICER B. RODGERS, OFFICER M.  
WILSON, OFFICER C. RANDALL,  
OFFICER B. JEFFERS, OFFICER B.  
PHILLIPS, and DOES 1-10,

Defendants.

Case No: C 13-02968 SBA

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

Plaintiff David O. Baca brings the instant action under 42 U.S.C. § 1983 against the State of California and various California Highway Patrol officers.

The parties were previously ordered to submit a joint statement on or before February 17, 2015, regarding the re-referral of the action for settlement. Dkt. 84. On February 13, 2015, counsel for Defendants emailed Plaintiff's counsel to remind him that the parties were to file a joint statement requesting or rejecting a further settlement conference by February 17, 2015. Dkt. 88 at 1-2 & Ex. A. Plaintiff's counsel did not respond to the email. Id. Accordingly, no joint statement was filed. Id.

On March 12, 2015, the Court issued an order which noted that it had not received the joint statement regarding settlement, as previously ordered. Dkt. 87. The Court therefore ordered the parties to submit their joint statement within seven days, i.e., by March 19, 2015. Dkt. 87.


1 On March 16, 2015, defense counsel emailed plaintiff's counsel, again reminding  
2 him that the parties were to file a joint statement requesting or rejecting a further settlement  
3 conference by March 19, 2015. Dkt. 88 at 2 & Ex. B. The email also requested that  
4 plaintiff's counsel prepare a first draft of the joint statement. Id. Plaintiff's counsel did not  
5 respond to the email. Id. In view of Plaintiff's lack of response, Defendants separately  
6 filed a statement on March 19, 2015. Id.

7 The failure to comply with a court order is grounds for dismissal of this action under  
8 Federal Rule of Civil Procedure 41(b). See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th  
9 Cir. 1992). Accordingly,

10 IT IS HEREBY ORDERED THAT Plaintiff shall show cause why the instant action  
11 should not be dismissed under Rule 41(b) for failure to comply with a Court order. By no  
12 later than the close of business on **April 6, 2015**, Plaintiff shall file a Certificate of Counsel  
13 that sets forth any basis for opposing dismissal under the factors set forth in Ferdik.  
14 Defendants may file a response to the Certificate on **April 9, 2015**. THE FAILURE TO  
15 FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS  
16 TO DISMISS THE ACTION WITH PREJUDICE, WITHOUT FURTHER NOTICE.

17 IT IS SO ORDERED.

18 Dated: March 31, 2015

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge